

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

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# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2004/002534

International filing date (day/month/year)  
06.08.2004

Priority date (day/month/year)  
06.08.2003

International Patent Classification (IPC) or both national classification and IPC  
E02D3/026

Applicant  
STROMSOE, Roger Arnold

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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PCT/IB2004/002534

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 17

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. No ISA for claim 17

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See separate sheet for further details

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(I) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re item III.**

No search could be carried out with respect to dependent claim 17 as this claim does only refer to drawings and does not contain searchable features. Therefore, no meaningful opinion could be given as to novelty or inventive step.

**Re item V.**

- 1 The following documents are referred to in this communication:  
**D1 : US 4 702 643 A (THILMONY JAMES C) 27 October 1987 (1987-10-27)**

**2 INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses (the references in parenthesis applying to this document):
  - (a) an impact compactor (cf. fig. 1) including
  - (b) a chassis structure 12 having wheels for supporting the structure above ground;
  - (c) a non-round roller 10 carried on an axle (cf. fig. 5) assembly mounted on the chassis structure via a pivotally located drag link 14; and
  - (d) a lifting arrangement 14 for lifting the location of the non-round roller with respect to the chassis structure to a raised level at which the roller is spaced above the ground on which the chassis structure is supported by its wheels, the lifting arrangement including a lifting arm located above the drag link and having a lifting formation depending therefrom that can engage either one of the drag link and the axle assembly carried by the drag link, when displaced operatively upwardly; and
  - (e) a piston / cylinder mechanism 22 operatively connected between the lifting arm and the chassis structure and being operable to displace the lifting arm between a first position, in which the lifting formation is spaced from the drag link and the axle assembly to be engaged thereby, and a second position, in which the lifting formation in which the lifting formation is engaged with the drag link and the axle assembly and the non-round roller is thereby raised with respect to the chassis structure to a level at which it is spaced above the ground on which the chassis structure is supported by its

**Re item III.**

No search could be carried out with respect to dependent claim 17 as this claim does only refer to drawings and does not contain searchable features. Therefore, no meaningful opinion could be given as to novelty or inventive step.

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**3 DEPENDENT CLAIMS 2-4, 6-13, 15, 16**

Dependent claims 2-4, 6-13, 15, 16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). Reference is made to D1: fig. 1 & 5, clearly showing all these features in combination with the features of claim 1.

**4 DEPENDENT CLAIMS 5, 14**

The combination of the features of dependent claims 5, 14 are neither known from, nor rendered obvious by, the available prior art.

**5 Industrial applicability**

The subject matter of all claims is industrially applicable.

**6 Remarks:**

There are no reference signs in the claims to facilitate their understanding.